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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/695,518	10/24/2000	Christian Volf Olgaard	68139769-200300	3116
26689	7590	11/12/2004		
WILDMAN, HARROLD, ALLEN & DIXON 225 WEST WACKER DRIVE CHICAGO, IL 60606			EXAMINER MANIWANG, JOSEPH R	
			ART UNIT 2144	PAPER NUMBER

DATE MAILED: 11/12/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/695,518

Applicant(s)

OLGAARD ET AL.

Examiner

Joseph R Maniwang

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 23 July 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 23 July 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|-----------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>07/01/04</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Drawings

1. The drawings were received on 07/23/04. These drawings are accepted.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1, 5-8, 9, 13-16, and 17-20 are rejected under 35 U.S.C. 102(e) as being anticipated by Britton et al. (U.S. Pat. No. 6,654,814), hereinafter referred to as Britton.
4. Regarding claims 1, 9, and 17, Britton disclosed a method for receiving content over a network. The method included submitting information about a client in a request for content, (see column 5, lines 3-5; column 11, lines 9-15), the client then receiving the requested content for display in a modified format (see column 12, lines 5-24).
5. Regarding claims 5, 13, and 18, information about the client in a request could include the capabilities, display capabilities, or input capabilities of the client device (see column 7, lines 48-66).

6. Regarding claims 6 and 14, Britton disclosed receiving content from a server as claimed (see column 8, lines 47-64).
7. Regarding claims 7, 15, and 19, Britton disclosed the use of a wireless link between the server and client device (see column 9, lines 9-13).
8. Regarding claims 8, 16, and 20, Britton disclosed formatting content based on the information submitted about the client (see column 4, line 66 through column 5, line 21; column 9, line 48 through column 10, line 23).

Claim Rejections - 35 USC § 103

9. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

10. Claims 2-4 and 10-12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Britton et al. (U.S. Pat. No. 6,654,814), hereinafter referred to as Britton, as applied to claims 1 and 9 above, and further in view of Trompower et al. (U.S. Pat. No. 6,138,019), hereinafter referred to as Trompower.
11. Britton disclosed a method for receiving content over a network. The method included submitting information about a client in a request for content including information relating to the capabilities, display capabilities, or input capabilities of the client device (see column 7, lines 48-66; column 5, lines 3-5; column 11, lines 9-15), the client then receiving from a server the requested content for display in a modified format

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based on the information submitted about the client (see column 4, line 66 through column 5, line 21; column 8, lines 47-64; column 9, line 48 through column 10, line 23; column 12, lines 5-24). Britton disclosed the invention in the context of a wireless link between the server and client device, wherein the client device could comprise a cellular phone (see column 9, lines 9-13).

12. While disclosing the invention for use in a cellular phone environment, Britton did not disclose receiving a signal from the wireless link prior to submitting information about the client, the signal received in response to a signal transmitted from the client and further identifying a user of the wireless link.

13. In a related art of network communications, Trompower disclosed a protocol for improving communications between mobile devices. Trompower disclosed a system comprised of a wireless base station providing a wireless link to a mobile device (see column 8, lines 34-61). The mobile device used this wireless link to communicate to other points on the network (see column 9, lines 8-22). Trompower disclosed registering mobile devices with a base station, which involved transmitting a signal from the client through the wireless link (see column 25, line 51 through column 26, line 14; column 27, lines 35-40; column 28, lines 62-65). In response to this signal, the client received a response signal through the wireless link (see column 26, lines 23-36; column 27, lines 50-54). A response signal identified the base station using the wireless link by communicating its own particular hopping sequence (see column 9, lines 23-42).

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14. The subject matter of claims 2-4 and 10-12 relate generally to transmitting signals announcing a client's presence and a server acknowledging the client with an identifying signal prior to communications between the client and the system. It would have been obvious to one of ordinary skill in the art at the time of invention to combine the teachings of Britton and Trompower to provide a method and system for receiving content from a server over a wireless link reformatted based on information about the client, further including receiving a signal from the wireless link prior to submitting information about the client, the signal received in response to a signal transmitted from the client and further identifying a user of the wireless link as claimed. Trompower disclosed the transmission of such signals for establishing connections between mobile devices and wireless links connected to a network. One of ordinary skill in the art would have been motivated to incorporate such a feature in the invention of Britton as Trompower disclosed it to minimize the down time normally associated with mobile devices in a roaming network and improve conventional scanning methods, thus saving time and enhancing system performance (see column 4, line 28 through column 5, line 16).

Response to Arguments

15. Applicant's arguments filed 07/23/04 have been fully considered but they are not persuasive.

16. Examiner accepts Applicant's amendment to the Specification and Drawings for overcoming previous objections.

Regarding claims 1, 5-8, 9, 13-16, and 17-20 rejected under 35 U.S.C. 102(e) as being anticipated by Britton et al. (U.S. Pat. No. 6,654,814), Applicant asserts that in contrast to Britton, the present claims are directed to a system involving connection with more than two "nodes" or "points", whereas Britton is concerned with creating a "point-to-point" or "two-node" system. In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., the concept of a "two-point" system versus a "three-point" system) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993). Regardless, Applicant describes the claimed invention as comprising a client "node 1", a wireless link "node 2", which serves as a communication engine and receives content from a remote source "node 3". Examiner submits that although Applicant attempts to distinguish this as a 3-point system over the invention of Britton, Britton still discloses the limitations as presented in the claims. As recited above, Britton discloses a client node (see column 8, lines 47-64), a wireless link (see column 9, lines 9-13), and a remote content server (see column 9, lines 48-65). The wireless link is described by Britton to include proxies, which served to communicate between the source of content and the client, thus reading upon the broad concept of a second "node" (see column 10, lines 34-62). Thus, it is submitted that Britton undoubtedly reads upon the broad concepts claimed, and the rejection is maintained by Examiner.

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17. Regarding claims 2-4 and 10-12 rejected under 35 U.S.C. 103(a) as being unpatentable over Britton in view of Trompower et al. (U.S. Pat. No. 6,138,019), Applicant asserts that the references fail to teach the claimed limitations by virtue that the independent claims from which they depend are allowable over Britton and Trompower, regardless of whether such references are considered individually or in combination. Applicant's arguments fail to comply with 37 CFR 1.111(b) because they amount to a general allegation that the claims define a patentable invention without specifically pointing out how the language of the claims patentably distinguishes them from the references. Additionally, one cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); *In re Merck & Co.*, 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986).

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

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the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Joseph R Maniwang whose telephone number is (571) 272-3928. The examiner can normally be reached on Mon-Fri 8:00-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, William A Cuchlinski can be reached on (571) 272-3925. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

JM


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